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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,690	04/04/2001	Eric Auffret	PF000030	3591

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EXAMINER

DIEP, NHON THANH

ART UNIT

PAPER NUMBER

2613

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/825,690	<b>Applicant(s)</b> AUFFRET, ERIC	
	<b>Examiner</b> Nhon T Diep	<b>Art Unit</b> 2613	

**– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –**  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 July 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.  
     4a) Of the above claim(s) 11 and 14 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9 and 15-19 is/are allowed.
- 6) ☒ Claim(s) 10 and 12-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/4/2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### **DETAILED ACTION**

1. As of now, there is no proposed drawing change in response to the examiner previous objection, received and placed in the file of the present application. Applicants is requested to resubmit any proposed drawings change in compliance to the latest applicable rules.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 12-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 12-13 (both at line 1) recite the limitation "the" in "the optical means".

There is insufficient antecedent basis for this limitation in the claim.

The examiner will interpret these claims as broadly as possible read in light of the specification.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claim 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zwahlen (US 5,854,654), in view of Walpole (US 4,040,004).

Zwahlen et al discloses a system and method for high frequency transmission of television shots comprising the same video camera comprising a transmitter for sending images by radio frequency and identification means which transmits a locating signal for locating the camera; and locating signal identifies a camera from amongst several cameras (figs. 1 and 4, and col. 4, ln. 13-22 and 56-62) as specified in claims 10 and 12. It is noted that Zwahlen does not particularly disclose an identification means is an optical locating signal which has a predetermined frequency for identifying the emitting source. Walpole teaches a particular pulse frequency for this green light of approximately one pulse every 3 seconds has been found to clearly identify this system from other lights around the airport (col. 1, ln. 49-66). Therefore, it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify the system of Zwahlen by using the visible light identification means in place of a more complicated and expensive identification means of Zwahlen. Doing so would help to reduce the cost of the system.

6. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zwahlen (US 5,854,654), in view of Walpole (US 4,040,004) and further in view of Palmer (US 5,804,829).

As applied to claim 10 above, it is noted that the combination of Zwahlen and Walpole does not particularly disclose an identification means comprises an infrared emitter. Palmer teaches signal beacons carried by soldiers or woodsmen to provide a

visual locating signal during low light conditions. More particularly, the present invention relates to signal beacons that can be programmed to signal one of a number of coded messages, either in the visible light range of the spectrum or the infrared range of the spectrum. Therefore, it would have been obvious to one of skilled level in the art at the time the invention was made to provide a locating signal either in the visible light range of the spectrum or the infrared range of the spectrum as taught by Palmer. Doing so would help to conceal the location of the emitting devices.

***Allowable Subject Matter***

7. Claims 1-9 and 15-19 are allowed.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon T Diep whose telephone number is 703-305-4648.

The examiner can normally be reached on m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S Kelley can be reached on 703 305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ND  
1/9/2005

  
**NHON DIEP**  
**PRIMARY EXAMINER**